

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER LEE SCHWENK, : Civ. No. 1:21-cv-2079  
Individually, and on Behalf of All :  
Others Similarly Situated, :  
Plaintiff, :  
: (Judge Sylvia H. Rambo)  
v. :  
JOSEPH GARCIA, CORRECTIONS :  
SPECIAL APPLICATION UNIT, :  
LLC, YORK COUNTY, :  
PENNSYLVANIA, d/b/a YORK :  
COUNTY PRISON, JULIE :  
WHEELER, DOUG HOKE, RON :  
SMITH, ADAM OGLE, CLAIR :  
DOLL, and JOHN DOE and JANE :  
DOE, CORRECTION OFFICERS, :  
Defendants. :  
:

**ORDER**

Before the court is a motion for default judgment filed by Plaintiff Christopher Schwenk against Defendant Joseph Garcia. (Doc. 15.) Federal Rule of Civil Procedure 55 provides both for the entry of default and the entry of default judgment. These are distinct concepts. The entry of default is the mandatory preliminary step in obtaining a judgment by default. It is a step that affords the defaulting party an opportunity to move under Rule 55(c) to vacate the default.

A motion for default has not been filed in this case.

The motion for default judgment will be deferred until a motion for default has been entered and Defendant Garcia has been made aware that he is in default.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: February 23, 2022